

Message Text

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21

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 EB-07 FAA-00 DOTE-00 COME-00 TRSE-00 OMB-01

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FM AMEMBASSY BERN

TO SECSTATE WASHDC 9963

INFO AMCONSUL ZURICH UNN

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E.O. 11652: N/A

TAGS: PFOR, PINT, SZ

SUBJ: US-SWISS JUDICIAL ASSISTANCE TREATY

REF: A) BERN 4177; B) BERN 4459

1. SWISS LOWER HOUSE OF PARLIAMENT ON DECEMBER 12 UNANIMOUSLY APPROVED JUDICIAL ASSISTANCE TREATY AND IMPLEMENTING LEGISLATION. UPPER HOUSE IS SCHEDULED TO TAKE UP BOTH MEASURES DURING MARCH 1975 SESSIONS.

2. IN DEBATE PRECEDING VOTE, NUMEROUS LEGISLATORS EXPRESSED VARIOUS CONCERNS ABOUT APPLICATION OF THE TREATY. LEGISLATORS EXPRESSED FEAR THAT TREATY MIGHT BE USED FOR SIMPLE INCOME TAX CASES OR THAT US MIGHT INVOKE JUDICIAL ASSISTANCE IN ORDER TO GAIN COMMERCIAL INTELLIGENCE. OTHERS EXPRESSED CONCERN THAT US MIGHT APPLY TREATY BEFORE EXHAUSTING ALL DOMESTIC REMEDIES. DEBATE FOCUSSED ON COMMITTEE PROPOSAL TO AMEND DRAFT DOMESTIC LEGISLATION TO CREATE CONSULTATIVE COMMISSION CHARGED WITH OVERSEEING APPLICATION OF TREATY. THIS PROPOSAL, WHICH OBVIOUSLY HAD BACKING OF SWISS ECONOMIC CIRCLES, WAS ACCEPTED BY

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GOVERNMENT. GOS MADE CLEAR, HOWEVER, THAT IT, AND NOT

COMMISSION, WOULD RETAIN COMPETENCE TO DECIDE ISSUES ARISING UNDER TREATY.

3. SEVERAL SPEAKERS MADE REFERENCE TO "UNPLEASANT" U.S. POSITION ON A NUMBER OF CURRENT BILATERAL ECONOMIC ISSUES, MENTIONING SPECIFICALLY SWISSAIR AND CHEESE. EFFORT TO LINK SATISFACTORY OUTCOME OF THESE ISSUES WITH PASSAGE OF JUDICIAL TREATY BY UPPER HOUSE WAS NOT PUSHED BY ANY OF THE MAJOR PARTIES, HOWEVER. IT NEVERTHELESS SEEMS LIKELY THAT WE WILL BE HEARING MORE ABOUT SUCH LINKAGE, HOWEVER INAPPROPRIATE IN MAY SEEM, AS THESE BILATERAL NEGOTIATIONS PROCEED. (REB B).
DAVIS

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